

**MINUTES OF THE  
GREENSBORO ZONING COMMISSION  
JULY 11, 2005**

**REGULAR MEETING**

A regular meeting of the Greensboro Zoning Commission was held on Monday, July 11, 2005 at 3:12 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Brian Byrd, Tony Collins, Paul Gilmer, Sr., J.D. Haynes, Peter Kauber, Bill Schneider, Portia Shipman and Susan Spangler. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

**CHANGES IN AGENDA:**

Mr. Ruska said, for the record, staff received a written request that Item E be withdrawn.

Mr. Schneider moved the withdrawal of Item E, seconded by Mr. Gilmer. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Kauber, Schneider, Shipman, Spangler. Nays: None.)

**APPROVAL OF THE MINUTES OF THE JUNE 13, 2005 REGULAR MEETING.**

**PUBLIC HEARINGS:**

- A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: USES ALL USES IN THE HB ZONING DISTRICT EXCEPT: NO SEXUALLY ORIENTED BUSINESSES; NO BARS; NO JUNKED MOTOR VEHICLES; NO LANDFILLS; NO MOTORCYCLE SALES. 2) APPLICANT SHALL CONSTRUCT A RESTAURANT BUILDING ON THE PROPERTY WHICH SHALL CONSIST SUBSTANTIALLY OF A BRICK BUILDING AND/OR MASONRY MATERIALS. 3) APPLICANT SHALL INSTALL A VEGETATIVE SCREEN (E.G. LEYLAND CYPRESS TREES) TO PROVIDE AN EVERGREEN BUFFER ALONG THE BOUNDARY LINE OF ANY AGRICULTURAL OR RESIDENTIAL ZONED PROPERTY. 4) ANY RESTAURANT OPERATED ON THE PROPERTY SHALL NOT BE OPEN FOR BUSINESS LATER THAN 11:00 P.M. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF WEST MARKET STREET AND MARSHALL SMITH ROAD – FOR DAVID LEE CARTER, JR. (CONTINUED FROM JUNE 13, 2005 MEETING) (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Mark Isaacson, Esq., 101 West Friendly Avenue, represented the property owner, the Estate of Delores Parish who died recently, and also the contract purchaser of the property, Ruzzo's Properties, a family that operates two other restaurants in Kernersville and near Winston-Salem. The proposal was to rezone the property to allow a Greek family restaurant to be built and operated on this property. He then went over materials that he had handed up to the Commissioners. This included a letter from the owner of the property across the road from the subject property stating he was in favor of this rezoning.

Mr. Kauber questioned the conditions placed on the property.

Mr. Isaacson said his approach for clients was to try to provide as much flexibility with their use of the property and their ability to deal with the property in the future, but also to assure the decision-makers as to what was going to happen on the property.

There was no one else to speak in favor of the request and no one to speak in opposition to the request.

Chair Wolf closed the public hearing.

Mr. Hails said the request was consistent with both the Industrial/Corporate Park and Mixed Use Corporate Park land use classifications that meet in this location on the Generalized Future Land Use Map (GFLUM). It was also in Tier 1. Staff's feeling was if this represents a service to the surrounding employment areas, such as a restaurant that was proposed, it would be a welcomed addition to the area. They tend to try and break up commuting patterns for lunch and unneeded long trips, so they do support services near employment centers such as this very well could end up being. With that, staff recommended approval of the request.

Mr. Gilmer moved the ordinance establishing original zoning, seconded by Mr. Schneider.

Mr. Kauber said he would be supporting this request and gave his reasons for doing so.

The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Pike, Schneider, Shipman, Spangler. Nays: None.)

**B. AN ORDINANCE REZONING FROM GENERAL BUSINESS TO CENTRAL BUSINESS – FOR THE PROPERTY BOUNDED BY BATTLEGROUND AVENUE, NORTH EUGENE STREET, WEST SMITH STREET AND NORTH EDGEWORTH STREET – FOR BELLEMEADE DEVELOPMENT, LLC. (CONTINUED FROM JUNE 13, 2005 MEETING) (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Ray Gibbs, 122 North Elm Street, president of Downtown Greensboro, Inc., was working with the owner of the subject property, Mr. Jones, who was also present. He said Mr. Jones owned both sites shown in the aerial photo of the sites described by Mr. Ruska. They recently held a charrette at which people from City Departments of Planning, Zoning, GDOT and Economic Development attended, as well as the Boards of the Fisher Park, Westerwood and Aycock neighborhood associations. They met with the designers to decide what would be a good development for the area. This request will combine the General Business area with the Central Business district, thereby creating a zero building lot setback for the combined properties.

Jim Jones, 3917 Brass Cannon Court, said his brother, Steve, and he owned these properties and their family has owned the properties for over 50 years. They have worked with the surrounding communities and City staff to come up with a project that not only worked for Downtown, but works for all of Greensboro. They plan to have several midrise buildings on the property, which means true retail on the ground floor, with three or four stories of condominiums for people working Downtown. Parking would be either under the buildings or at the rear of the buildings. For illustrative purposes, there really was not a development quite like this in Greensboro currently.

There was no one else to speak in support of the request and no one to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said staff felt this request was fully consistent with the Mixed Use Central Business District classification and the Comp Plan GFLUM. It was currently Business zoning on the northwestern side of Downtown and separated from residential further to the north and to the west. This certainly supports the reinvestment infill goals in the Comp Plan, as well as goals for revitalization of Downtown. Staff would note that with the expansion of the Central Business zoning that had been seen on several edges of Downtown came the responsibility for looking at parking needs as well. The City would be conducting a Downtown Parking Study and some of these projects would be looking at their own parking studies as well. Staff thinks, however, it was a logical extension of the Central Business zoning, particularly at the densities anticipated, and staff recommended approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Kauber. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Pike, Schneider, Shipman, Spangler. Nays: None.)

**C. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY AND RS-12 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF DODSON STREET AND MORGAN SMITH DRIVE – FOR LARRY AND THELMA CASSELL. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Thelma Cassell, 3515 Oak Ridge Road, Summerfield, NC, passed up a petition to the Commission with signatures of persons in favor of this rezoning. She and her husband own and operate Cassell Builders and Renovations and have been building affordable housing for over 10 years. They also have rental property that they offer at affordable rents. They closed on the Morgan Smith Drive property on May 2, 2005. On May 9, 2005 they received a letter from the City of Greensboro listing a total of 9 pages of violations at 1814 and 1816 Morgan Smith Drive. Both houses were in terrible condition and neither house was fit for human occupancy. They have now demolished the two houses and cleared the lots. The rezoning of this property to RS-7 would allow them to rebuild. She had met with several of the neighbors that lived close by and obtained signatures, which were presented to the Commission.

There was no one else to speak in favor or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM showed low residential use in this area. Both the existing zoning and the proposed zoning were compatible with that classification. The request would presumably support reinvestment infill policy in the Plan. Staff was trying to take a consistent approach to the many RS-12 down zonings they had been seeing in some of these older neighborhoods, particularly north of downtown in recent years. They are trying to rely on two main issues here. First, whether the request seems compatible

with the density in the immediately surrounding area. In each of these cases, staff had been trying to judge whether there are non-conforming uses in the surrounding area, whether some of the immediately adjoining lots were comparable to the lot size being requested. The second issue was they received a directive from Council a few months back to very carefully consider what you might term a "two down rezoning," to go from RS-12 on at least a portion of this property all the way down to RS-7. Council indicated they think that many cases were too much out of character with the existing zoning and neighborhood unless there are non-conforming lots that are already the size of the request. Because of those two issues, staff did not feel comfortable with this request. While the track record and plans of the developer, these folks or others may well be admirable in making this land use decision on density on the zoning that runs with the property, staff did not think that was important and should not be considered directly. As such, staff recommended denial of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Schneider. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Pike, Schneider, Shipman, Spangler. Nays: None.)

**D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOUSES/CONDOMINIUMS DESIGNED FOR SALE. 2) MAXIMUM NUMBER OF UNITS SHALL BE 40. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF KENNETH ROAD WEST OF BELL ORCHARD DRIVE – FOR KENNETH R. COFFER. (CONTINUED)**

Mr. Ruska said the applicant wished to ask for a continuance.

David Coffey, 3719 Hobbs Road, represented Ken Coffey the property owner. After talking with some of the neighbors and hearing their concerns of the property condition now and the concerns of rezoning this, he would ask the Commission if this could be continued until the August 8th meeting so the property owner and he could have time to have a meeting with the adjacent property owners.

Mr. Schneider moved that this item be continued until the August 8th meeting of the Commission. Mr. Kauber seconded the motion. The Commission voted 9-0 in favor of the motion. (Ayes: Wolf, Byrd, Collins, Gilmer, Haynes, Pike, Schneider, Shipman, Spangler. Nays: None.)

**E. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF BOOKER STREET NORTH OF CUNNINGHAM STREET – FOR JOHN WHITE. (WITHDRAWN)**

This request was withdrawn at the beginning of the meeting.

**ITEMS FROM THE ZONING COMMISSION MEMBERS:**

Chair Wolf said although they had had two extremely short meetings, we had many, many months of extremely long meetings. He would like the Commissioners to be thinking about the idea of cutting back to 15 minutes per side with 5 minutes for rebuttal. On the months when they have long agendas, that would allow them to be finished at a reasonable hour and still get everyone heard.

Mr. Gilmer said the Chair had his support on this suggestion. Ms. Shipman said she also agreed.

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There being no further business before the Commission, the meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Richard W. Hails, AICP  
Planning Director

RWH/ts.ps